

MS-AF

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Thomas SCHMIDT et al.

Serial No.: 10/533,022

Filed: April 26, 2005

For: Connection Piece for a Fuel Pump

Examiner: Weinstein, L. J.

Group Art: 3746

Conf. No.: 2198

Mail Stop AF

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

SIR:

Applicants request review of the Final Rejection in the above-referenced application. No amendments are being filed with this request.

The review is requested for the reasons set forth on the following pages.

REMARKS

The rejection of claim 1 under 35 U.S.C. §103 is based on a legal and factual deficiency because:

The Examiner is incorrect in his assertion that the limitation *circumferential sealing lip which includes a region that is oriented toward the electrical contacts and which seals the plug against the receiving device when fuel is conveyed through the fuel pump, the plug being extrusion-coated with plastic to form a plug casing* (emphasis added) is found in the prior art, and thus fails to provide a *prima facie* case of obviousness.

In the August 25, 2010 Final Office Action, the Examiner (at pgs. 3-4) asserts that *Herster* teaches “an integrally formed, circumferential sealing lip (lower horizontal surface of groove 62; ‘62’), the circumferential sealing lip “includes a region that is oriented toward the electrical contacts (44, 45)”, and that the circumferential sealing lip “seals the plug 32 against the receiving device 58”. Applicants disagree.

Herster discloses “an electrical fitting for routing wires to an in-tank mounted fuel pump which provides an effective barrier against fuel vapor emissions from the fuel tank” (see col. 1, lines 6-9). Figs. 3A and 3B of *Herster* clearly show that the Examiner-identified surface of the groove 62 extends perpendicularly to the surface of the receiving device. Consequently, the groove 62 is oriented away from the electrical contacts 44, 45. Moreover, the groove 62 of *Herster* does not seal the plug 32 against the receiving device 58. Rather, the *Herster* device includes an O-ring 66 that is provided to achieve the sealing function. Under the Examiner’s proffered analysis, *Herster* fails to provide a plug that is extrusion coated. Accordingly, it is simply impossible for the groove 62 itself to seal the plug 32 against the receiving device 58 as asserted. Indeed, as stated previously, the O-ring 66 is included in the *Herster* device to provide

the sealing function. However, this O-ring is not an integrally formed circumferential sealing lip that includes a region that is oriented toward the electrical contacts, as required by independent claim 1. Therefore, *Herster* fails to teach or suggest the expressly recited subject matter of independent claim 1.

Zoell is cited for its teaching of extrusion coating. *Zoell* is directed to a connector for a fuel pump of a motor vehicle that is extrusion coated for protection from corrosion caused by fuel. *Zoell* (col. 3, lines, 26-28) explains that "the connector 1 is plugged onto the bearing plate 10, after assembly". *Zoell* (col. 3, line 30 to col. 4, line 4) additionally explains that "[t]he carbon brushes 5 are mounted, such that they can move, in the receptacles 11 in the bearing plate 10, in such a manner that they can move downward in the event of wear resulting from the electric motor, which is not illustrated but is arranged under the bearing plate 10". However, *Zoell* still fails to teach or suggest a "circumferential sealing lip which includes a region that is oriented toward the electrical contacts and which seals the plug against the receiving device".

Thus, the combination of *Herster* and *Zoell* fails to teach or suggest the expressly recited subject matter of independent claim 1.

According to the Examiner (pg. 6) *Kobman* teaches "an integrally formed, circumferential sealing lip (56) which includes a region (upper face of element 56 that abuts the lower end face of element 68) that is oriented toward the electrical contacts". Applicants disagree.

Kobman relates to an electric pump outlet assembly (see col. 1, lines 5-6). *Kobman* explains that the "[t]he outer cover 30 is a hollow, cup-shaped member having a cylindrical side wall 66 substantially closed at the outer end by the end wall 49 and open at the inner end. The skirt 68 at the open end fits over the base 54 of the inner cover 32 and abuts the flange 56 of the

inner cover. The outer cover thus encloses and protects the ways 58 on the inner cover and the brushes 62,64 therewithin” (see col. 2, lines 30-36). However, apart from merely explaining that the skirt 68 fits over the base 54 of the inner cover and abuts the flange 56 in the inner cover, there is no description whatsoever in *Kobman* of the structure of the flange 56 which the Examiner asserts corresponds to the claimed integrally formed circumferential sealing lip of independent claim 1. In fact, a quick review of Figs. 1 and 4 of *Kobman* reveals that the device shown therein suffers from the same deficiency as *Herster*. Specifically, the flange 56 of the *Kobman* device is also aligned perpendicularly to the sidewall of the base 54. Therefore, the plane created by this perpendicularly aligned surface is oriented radially outward and, thus, not toward the electrical contacts 75, 76 of the *Kobman* device. Moreover, the upper surface or face of the flange 56 creates a plane that extends in parallel to plane created by the electrical contacts 75, 76. It is a well-settled principle that parallel lines never intersect, and the skilled person knows this. *Kobman* likewise thus fails to teach or suggest the expressly recited subject matter of independent claim 1, i.e., “an integrally formed, circumferential sealing lip which includes a region that is oriented toward the electrical contacts and which seals the plug against the receiving device”.

Zoell fails to teach what *Kobman* lacks. As explained above, *Zoell* also fails to disclose a circumferential sealing lip as recited in independent claim 1.

Since *Zoell* fails to teach or suggest a circumferential sealing lip, the combination of *Kobman* and *Zoell* fails to teach or suggest at least “an integrally formed, circumferential sealing lip which includes a region that is oriented toward the electrical contacts and which seals the plug against the receiving device” and “the plug being extrusion-coated with plastic to form a plug casing, the circumferential sealing lip being integrally formed together with the plug casing

in one working step to permit simultaneous production of the integrally formed circumferential sealing lip with the plug casing”, as recited in independent claim 1.

For at least the above reasons, the rejections of claim 1 under 35 U.S.C. §103(a) should be withdrawn.

Applicants respectfully submit that this application is in condition for allowance, and such action is respectfully requested.

Respectfully submitted,
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Dated: December 22, 2010